

November 17, 2005

To: Federal Communications Commission

From: Marshall Lawrence

RE: Closed Captioning

As the father of a Deaf child I have come to understand the great importance of captioning! Nearly one in every four households in the U.S. has at least one person living there who has a hearing problem. Captioning is absolutely necessary for those people to have any kind of meaningful access to television programs. That's why the continuing problems we experience in the delivery of captioning services to our loved ones is so frustrating.

There are three areas which need to be addressed.

- 1) **The quality and availability of captioning.** It staggers me how many programs are still not captioned. Especially programs that were produced prior to 1990. And I don't understand how so many of the cable channels seem to be exempted from the captioning requirements. And the captioning on some programs is so sloppy and so poorly done that it is often nearly impossible to figure out what is meant by the words on the screen. Spelling errors are far too common. Often captioners use the incorrect word – for example, “board” when the word should have been “bored.” It's as though the captioner was putting words down on the screen without any regard to the context of the sentence being captioned. Live events and newscasts continue to be the worst culprits, but at least in those cases the demands for speed and immediacy explain some of those errors. But for programs which have been produced in advance, these kinds of errors are inexcusable. Still they persist. There has been some improvement in this area in recent years, but more work still needs to be done.
- 2) **The lack of monitoring of captioning by the transmitting or retransmitting facility.** One of the most common and most frustrating experiences is for the captioning to simply disappear in the middle of a program. This is because there is little or no incentive for broadcast, cable, and satellite services to monitor their captioning signal in real time. Indeed, it has been my experience that many broadcast engineers are simply unaware of how captioning works or even how to check to see that it is active and working properly. I've made repeated complaints to our satellite provider – DISH Network – complaining that the captioning has vanished on all channels and on all our receivers. Their response continues to be that they merely pass through the signals they receive and, therefore, the problem must be with the originating source. However, should I switch to “rabbit ears” to pick up the local broadcast signal, the captions are in tact. There are problems with local stations, too. Therefore there needs to be a requirement that networks and local stations train their people better to be more aware of the captioning system and that captions be monitored throughout the broadcasts. With the development of

multi-stream broadcasting which local stations will be able to offer as a result of the change over to digital service, this situation is only going to get worse unless the FCC steps up and mandates stiffer penalties and higher accountability.

- 3) **Immediate accessibility and accountability to correct problems.** My own years as a broadcaster taught me that no matter how hard we try, sometimes, due to human error or mechanical failure, a station (or in this case the captioning stream) will go off the air. In this case it's critical that viewers be able to contact the engineering department of the station or network immediately to alert them to the problem so that it can be fixed immediately. At present stations have up to 45 days to respond to a written complaint. This is of no effective use to the viewer who has been disenfranchised. The FCC needs to mandate that stations provide trouble numbers which consumers can use to alert the station to check the captioning equipment and be sure it is on and working properly.

Improvements in these three areas will make a huge difference to the 32 million Americans who have hearing loss. I urge the Commission to increase advocacy on their behalf by addressing these issues in upcoming rule making.